

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



August 7, 1995

ALL-COUNTY INFORMATION NOTICE NO. I-39-95

TO: ALL COUNTY WELFARE DIRECTORS
CDSS ADOPTION DISTRICT OFFICES
ALL PUBLIC AND PRIVATE ADOPTION
AGENCIES

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: FEDERAL MULTIETHNIC PLACEMENT ACT (MEPA) OF 1994

The purpose of this All-County Information Notice is to provide a summary of recently enacted federal Public Law 103-382, the Multiethnic Placement Act (MEPA) of 1994, and the State's efforts to implement the provisions contained therein.

In order to continue to receive any federal funding for child welfare services, foster care, or adoption assistance, a state must comply with the provisions of the MEPA. The MEPA prohibits states from either:

- 1) categorically denying any person the opportunity to become a foster or adoptive parent solely on the basis of the person's or the child's race, color, or national origin or
- 2) delaying or denying a placement or otherwise discriminating in making a placement decision solely on the basis of the person's or the child's race, color, or national origin.

However, a placement agency is permitted to consider the child's cultural, ethnic, or racial background and the capacity of the prospective foster or adoptive parents to meet the child's needs as one of a number of factors used to determine the child's best interests. Any person aggrieved by an agency's violation of the law has the right to bring an action seeking relief in a federal district court. Noncompliance with the MEPA is deemed a civil rights violation under federal law. Finally, the MEPA does not affect the application of the Indian Child Welfare Act. States are required to be in compliance with provisions of the MEPA by October 21, 1995, unless an extension of time has been approved by the Secretary of the Department of Health and Human Services.

As a result of the enactment of the MEPA, the Department undertook a review of all statutes, pertinent regulations, and policy statements that affect foster care and adoption placements practices. This review determined that California's statutes, regulations, and policy statements were not in compliance with the requirements of the MEPA. The federal Department of Health and Human Services also conducted an independent review and arrived at the same conclusion.

In order to bring California's statutes into compliance with the MEPA, the Department has assisted Assembly Member Goldsmith to modify his bill, Assembly Bill 1743, which amends California's foster care and adoption placement statutes. Assembly Bill 1743 is expected to be enacted during the current legislative session with an effective date of January 1, 1996. Provisions of Assembly Bill 1743 will permit the Department to adopt implementing regulations on an emergency basis which are expected to be in place January 1, 1996. Because of these time frames, the Department has requested of the Department of Health and Human Services an extension of time until January 1, 1996, for California to come into compliance with the MEPA.

The Department plans to work closely with the County Welfare Directors Association, California Association of Adoption Agencies, and other interested groups in implementing the requirements of the MEPA to ensure State compliance with federal requirements, avoid misunderstandings, and facilitate a smooth transition to the new criteria governing foster care and adoption placement decision.

Please direct your foster care related questions about this matter to the Foster Care Policy Bureau at (916) 445-0813 (CALNET 8-485-0813) and your adoption related questions to the Adoptions Policy Bureau at (916) 322-4228 (CALNET 492-4228).



MARJORIE KELLY
Deputy Director
Children and Family Services Division

c: CWDA